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**Writer's Direct Access**  
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August 1, 2019

**Via ECFS**

Marlene J. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street SW  
Washington, DC 20554

**Re: Commonwealth Edison Company's Third Set of Responses to  
Complainant Crown Castle Fiber LLC's First Set of Interrogatories  
(Proceeding Number 19-169; Bureau ID Number EB-19-MD-004)**

Ms. Dortch:

Please find attached Commonwealth Edison Company's Third Set of Responses to Complainant Crown Castle Fiber LLC's First Set of Interrogatories in Proceeding Number 19-169; Bureau ID Number EB-19-MD-004. The Confidential Version of these Responses has been filed with the Secretary's Office and served on Crown Castle Fiber LLC's counsel.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tim Doughty', is written over a light blue circular background.

Timothy A. Doughty  
Attorney for Commonwealth Edison Company

Enclosures

cc: Lisa Saks, Enforcement Bureau  
Anthony DeLaurentis, Enforcement Bureau

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

_____	)	
	)	
<b>Crown Castle Fiber LLC</b>	)	
<i>Complainant,</i>	)	
	)	<b>Proceeding Number 19-169</b>
<b>v.</b>	)	<b>Bureau ID Number EB-19-MD-004</b>
	)	
<b>Commonwealth Edison Company,</b>	)	
<i>Defendant</i>	)	
_____	)	

**COMMONWEALTH EDISON COMPANY’S THIRD SET OF RESPONSES  
TO COMPLAINANT’S FIRST SET OF INTERROGATORIES**

Defendant Commonwealth Edison Company (“ComEd”), pursuant to Section 1.730 of the Commission’s Rules, 47 C.F.R. §1.730, submits the following third set of Responses to the First Set of Interrogatories of Complainant Crown Castle Fiber LLC (“Crown Castle”) to ComEd related to its Access Complaint captioned above.

**INTERROGATORIES**

**INTERROGATORY NO. 7:**

If You contend that ComEd does not have sufficient resources to process Crown Castle’s applications for attachments within timelines prescribed by the Federal Communications Commission, identify all facts and assumptions on which you rely to support such contention.

**RESPONSE:** Consistent with and without waiving its June 26, 2019 Objections, it remains to be seen whether ComEd has sufficient resources to process Crown Castle’s applications for attachments within timelines prescribed by the Federal Communications Commission.

ComEd believes it has timely processed Crown Castle's applications for pole attachments given ComEd's considerable constraints. FCC make-ready deadlines and other rules have not applied to Crown Castle's attachments to ComEd's poles in Illinois. The July 15 Bureau Order ruled that the FCC had jurisdiction over this Complaint, which has now caused ComEd to reexamine the applicability of FCC make-ready deadlines and other rules. Prior to that time, ComEd (and indeed Crown Castle) operated consistent with ICC jurisdiction, recognizing the ICC had jurisdiction.

In 2012, ComEd received approximately 48 Third Party Attachment applications across the service territory compared to more than 4500 in 2018. The make ready work is now approximately 2000 pole replacements and approximately 27,000 pole attachments per year. In 2017 and 2018, the telecommunications companies were very guarded with their workplan projections, and with the volume spikes, ComEd manually polled many attachers to get directional forecasts on volumes. Originally, Crown Castle stated a 12-18 month build out and then in the fourth quarter of 2018 they stated that this was a multi-year (5+ years) sustainable effort.

With the increase in Third Party Attachment volumes, ComEd created a flexible and scalable structure dedicated for the design portion of Third Party Attachments keeping the design function ahead of construction. In 2017 and 2018, telecommunications companies were very guarded with their workplan projections, and with the volume spikes, ComEd manually polled many attachers to get directional forecasts on volumes. Originally, Crown Castle stated a 12-18 month build out and then in the fourth quarter of 2018 they stated that this was a multi-year (5+ years) sustainable effort.

In 2018, ComEd utilized [REDACTED] full time equivalent employees for back office third party attachment support. In early 2019, it progressed to [REDACTED] full time equivalent employees, and is now at [REDACTED] full time equivalent employees for July. With increased resources and favorable weather for make ready work, May-June completions were 300% higher for Crown Castle than the first four months of 2019. Additionally, ComEd proactively reached out to multiple contractors to solicit additional resources and offered overtime for its internal workforce as well as the contractors.

**INTERROGATORY NO. 8:**

Explain Your basis for prohibiting Crown Castle from directing third party contractors, approved by ComEd, to complete pre-construction surveys, make-ready estimates, or make-ready work.

**RESPONSE:** Consistent with and without waiving its June 26, 2019 Objections, FCC make-ready deadlines and other rules have not applied to Crown Castle's attachments to ComEd's poles in Illinois. See June 12, 2019 letter from ComEd's Brad Perkins to Crown Castle's Maureen Whitfield at CCF 304-305. The July 15 Bureau Order ruled that the FCC had jurisdiction over this Complaint, which has now caused ComEd to reexamine the applicability of FCC make-ready deadlines and other rules. Prior to that time, ComEd (and indeed Crown Castle) operated consistent with ICC jurisdiction, recognizing the ICC had jurisdiction. Even if FCC regulation applies, ComEd believes for the reasons explained in its Answer that such regulation does not apply to Crown Castle's antenna installations and believes Crown Castle has not properly filed certificates and tariffs to establish a prima facie case that it is a telecommunications carrier subject to FCC pole attachment regulation.

In addition, Crown Castle's request that ComEd approve Thayer Power & Communication to conduct self-help complex and above the communications space make-ready and simple make-ready work had certain problems. ComEd has not approved Thayer as a contractor because ComEd has a process to qualify contractors and Thayer has not gone through that process. Thayer is are not a contractor of choice and despite Crown's representation that Thayer was an approved vendor, ComEd's records reflect no such arrangement.

**INTERROGATORY NO. 10:**

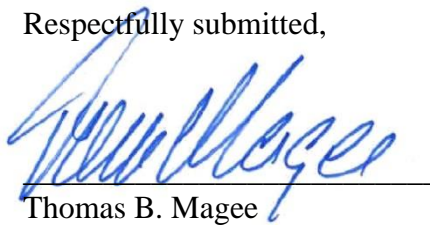
Describe ComEd's pole inspection program, including but not limited to the scope of work for inspecting wood poles, such as the steps, if any, that are include in addition to visual inspection and any remedial treatments applied during the inspection.

**RESPONSE:** Consistent with and without waiving its June 26, 2019 Objections, ComEd uses a 10-year cycle for inspecting its poles, which means that ComEd inspects each of its poles once every ten years. Immediately upon inspection, ComEd treats "non-priority" poles with a pole treatment product from Osmose in order to control the decay, maintain the asset, and "extend the useful life" of the pole. There is an exception for treatment in that poles located on school properties, parks, playgrounds, and in wetlands do not receive a groundline treatment. As explained on the Osmose website: "Applying effective remedial treatments to extend the safe, reliable service-life of the pole. Remedial treatment is the key to getting the most out of your investment. The use of remedial treatments will earn dividends via extended pole life and improved plant resiliency."

In addition to a visual inspection of the poles, ComEd also sounds and bores all of the poles. Varying levels of subsurface inspection and treatment might also be performed. For example, decayed wood might be removed, and exterior treatment of the pole might be

performed in addition to the internal treatment. Measurements of the pole and measurements of the level of decay are taken, and strength calculations are performed. Based on inspection results, poles that would reasonably be expected to endanger life or property are promptly repaired, disconnected or isolated, in accordance with the NESC in effect in Illinois. Also in accordance with the NESC in effect in Illinois, the other poles that are determined to have pole strength less than 67% (for poles equal to or less than 60 feet in height above ground) or 75% (for poles greater than 60 feet in height above ground) are recorded and classified as either “priority” or “non-priority” reject poles, and such records are maintained until the pole is properly replaced or rehabilitated.

Respectfully submitted,



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*Attorneys for Commonwealth Edison Company*

August 1, 2019

**AFFIRMATION  
OF  
BRADLEY R. PERKINS,  
COMMONWEALTH EDISON COMPANY**

I, Bradley R. Perkins, do affirm as follows:

1. My name is Bradley R. Perkins. I serve as Assistant General Counsel at Commonwealth Edison Company ("ComEd"); and
2. I attest that the information included in ComEd's Third Set of Responses to Complainant Crown Castle Fiber LLC's First Set of Interrogatories in the Access Complaint was gathered under my supervision.

Executed on August 1, 2019



Bradley R. Perkins  
Assistant General Counsel  
Regulatory  
Commonwealth Edison Company

**CERTIFICATE OF SERVICE**

I, Timothy A. Doughty, hereby certify that on this 1<sup>st</sup> day of August 2019, a true and authorized copy of Commonwealth Edison Company's Third Set of Responses to Complainant Crown Castle Fiber LLC's First Set of Interrogatories was served on the parties listed below via electronic mail and was filed with the Commission via ECFS and via Hand Delivery (Confidential Version).

Marlene J. Dortch, Secretary  
Federal Communications Commission  
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(By ECFS Only)

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/s/  
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Timothy A. Doughty